

ORIGINAL



0000028379

BEFORE THE ARIZONA CORPORATION COMMISSION

254

COMMISSIONERS

2005 SEP 14 P 1:14

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
COTTONWOOD WATER WORKS, INC. FOR
APPROVAL OF THE TRANSFER OF ASSETS
AND FOR CANCELLATION OF THE
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. W-01045A-05-0578

PROCEDURAL ORDER

BY THE COMMISSION:

On August 9, 2005, Cottonwood Water Works, Inc. ("Cottonwood") filed with the Arizona Corporation Commission ("Commission") an application for approval of the transfer of assets and for cancellation of its Certificate of Convenience and Necessity ("Certificate").

On September 8, 2005, the application was deemed administratively complete pursuant to A.R.S. § 41-1074(C). Accordingly, the Commission now issues this Procedural Order pursuant to A.A.C. R14-3-101 to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** on the above-captioned matter shall commence on **October 13, 2005, at 9:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before October 7, 2005.

IT IS FURTHER ORDERED that Applicant shall provide public notice of the hearing in this matter, in the following form and style:

...
...
...
...
...

**PUBLIC NOTICE OF HEARING ON THE APPLICATION OF COTTONWOOD WATER
WORKS, INC. FOR APPROVAL OF THE TRANSFER OF ASSETS AND FOR
CANCELLATION OF THE CERTIFICATE OF CONVENIENCE AND NECESSITY
(W-01045A-05-0578)**

On August 9, 2005, Cottonwood Water Works, Inc. ("Applicant") filed with the Arizona Corporation Commission ("Commission") an application for approval of the transfer of assets and for cancellation of the Company's Certificate of Convenience and Necessity ("CC&N") to the City of Cottonwood and the Town of Clarksdale. If the Commission approves the application, the Commission will no longer regulate this system. The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and at the offices of Applicants, [insert addresses].

The Commission will hold a hearing on this matter beginning **October 13, 2005**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comment will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene in the proceedings and participate as a party. You may have the right to intervene in the proceeding. Intervention shall be in accordance with A.A.C. R14-3-405, except that all motions to intervene must be filed on or before **October 7, 2005**. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to Applicants or their counsel and to all parties of record. The motion shall, at the minimum, contain the following:

1. The name, address, and telephone number of the proposed intervenor and any party upon whom service of documents is to be made if different from the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer or potential customer of Applicants, a shareholder of Applicants, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to Applicants or their counsel and to all parties of record in the case.

The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application. You will not receive any further notice of this proceeding unless you request it.

If you have any questions about this application, or want further information on intervention, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, E-mail lhogan@azcc.gove. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Applicants shall cause a copy of the above notice to be

published in a newspaper of general circulation in all the affected areas by September 23, 2005.

IT IS FURTHER ORDERED that Applicant shall mail to customers a copy of the above notice by September 23, 2005.

IT IS FURTHER ORDERED that Applicants shall file certification of mailing and publication as soon as practicable after the mailing and publication have been completed, but not later than September 30, 2005.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and publication of same, notwithstanding the failure of an individual to read or receive the notice.

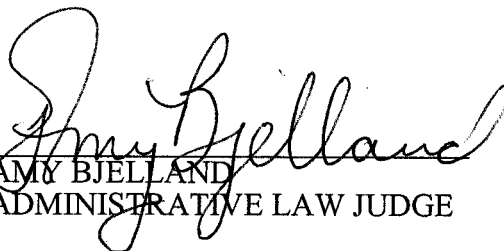
IT IS FURTHER ORDERED that the Commission's Utilities Division Staff shall file a Staff Report on the application on or before **September 30, 2005**.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing.

IT IS FURTHER ORDERED that the time periods specified herein shall not be extended pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 14 day of September, 2005


AMY BJELLAND
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered
this 14 day of September, 2005 to:

Deborah R. Scott
Jeffrey W. Crockett
SNELL & WILMER
One Arizona Center
Phoenix, AZ 85004
Attorneys for Cottonwood Water Works, Inc.

1 Charles Garrison
COTTONWOOD WATER WORKS, INC.
1042 Main Street
2 Cottonwood, AZ 86526

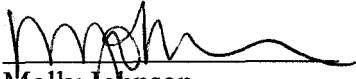
3 Steven B. Horton
MANGUM, WALL, STOOPS & WARDEN
4 100 North Elden
P.O. Box 10
5 Flagstaff, AZ 86002
Attorneys for City of Cottonwood
6

7 Robert B. Hardy
CITY OF COTTONWOOD
827 North Main Street
8 Cottonwood, AZ 863256

9 Christopher K. Kempley
Legal Division
10 ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
11 Phoenix, Arizona 85007

12 Ernest G. Johnson
Utilities Division
13 ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
14 Phoenix, Arizona 85007

15 ARIZONA REPORTING SERVICE, INC
2627 N. Third Street, Suite Three
16 Phoenix, Arizona 85004-1103

17
18 By: 
Molly Johnson
19 Secretary to Amy Bjelland
20
21
22
23
24
25
26
27
28